



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
December 14, 2015
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on December 14, 2015 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne Platte Jr.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne D. Platte, Jr., Chairman, John Dwyer Jr, Vice Chairman, Mary Jo Wiltshire, Charles Polacco, Robert Jacobsen, Jonathan Korn and Jamie Mills.

BOARD/ALTERNATE MEMBERS ABSENT: William Tubby.

OTHERS PRESENT: Suzanne Cahill, Planning Director and Kyla Haber, Assistant Planner.

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

No one spoke during the open public speaking. Chairman Platte closed the hearing.

Item #2: Adoption of the November 9, 2015 Planning Board minutes.

Discussion: Chairman Platte asked the Board if they had time to review the minutes and if there were any comments or corrections. The Board agreed that they had no changes.

Decision: The Board voted unanimously to adopt the November 9, 2015 Planning Board Minutes. (WP, JD, MW, CP, RJ – yes)

PUBLIC HEARINGS:

Item #3: #90 & 92-94 Prince Street SITE PLAN to establish a shooting range in an existing commercial building. SBL 56.26-9-2.1 & 37. SEQR Determination. Zone C-3. Ward 5. Game Development LLC; applicant/owner.

Discussion: Dr. Adam Soyer, applicant/owner, and Scott Dutton, architect, were present at the meeting. Chairman Platte explained that the applicants would be giving a brief presentation to explain the plans for the project.

S. Dutton stated that he is the architect for the project but that he is also a resident of the City of Kingston, residing at 19 Canfield Street a little less than 300ft. from the property in question. This is the 3rd meeting before the Planning Board. Dr. Soyer submitted a “fact sheet” to the Planning Office to explain the business and operations in more detail. He made copies for the public to take and read through. We are here to explain the project and listen to the public. The building is a 1-story, 2,200 +/- sf, masonry structure with a proposed 500sf addition. Dr. Soyer has owned the building and the adjacent parking lot for a number of years.

Dr. Adam Soyer spoke about the project. He has been a resident of Kingston for a number of years. The idea came about because he is a shooting enthusiast and because there are not a lot of options for places that he could target practice. The business name would be Safeshoot. It would be a 5 lane shooting range for members only. Permits are required for operation from the Department of Alcohol, Tobacco and Firearms. There are a number of concerns that have been expressed which include noise, environmental concerns and security. A range consultant has been obtained to assist in developing the range. Special materials will be used to mitigate noise outside of the building. A HEPA filtration system will be installed to ensure clean air. Both air and noise levels will meet the requirements of OSHA. All members wishing to use the range will need to be certified by a range safety officer which will be on site at all times. All users are required by law to possess a pistol permit. The retail section of the facility would be open to non-members. The classroom component would offer permit holders the ability to learn proper handling and safety.

Public Hearing:

Chairman Platte opened the public hearing. Speakers signed in and were called to the podium in order of sign in.

James Reiker – Connolly – There is no danger in permit holders using ranges. There are less shootings at gun ranges than there are at police stations. There are less killings at police stations than there are in gun free zones. Gun free zones are a disaster. A few examples of gun free zones: Chattanooga, AME Church, Lafayette Theatre. Ulster County Sheriff Paul Van Blarcum wants all eligible gun owners to carry a gun. The School District is out of touch with reality.

Donald Gladstone – Hyde Park – Used a rifle range and pistol range in Hewlett High School then went on to Michigan State and fired on the rifle team there. He knows of no issues at Hewlett High School. After that he was drafted and went to Korea. The instructions he received at the ranges were very helpful. There is a lack of knowledge with gun users and ranges are necessary to educate owners.

Elmer LeSuer – 53 Emerson Street – Father of KCSD child. More concern with the dangers inside the school than what this business would represent. He is a license concealed carrier. Improving proficiency is important. He is in full support of this project. The most dangerous concern would be the handling of the air quality and the applicant already mentioned that. He expressed hope that he would hear what concern the School Board had with regard to the zoning issues regarding the placement of this range. He also asked the crowd to stand if they were in support of the project so that the Board could see the number of audience members in support.

Frank Ostrander – Olivebridge – Thanked the committee. Submitted a letter to the Planning Office in advance of the meeting. The range that is proposed is legal, he understand that the zoning permits this type of use. We have an entrepreneur that wants to invest a significant amount of money and create a few jobs at this location. The facility will promote safety and education. It will offer a safe place for target shooters in the winter. After high school, he joined the military. Then he attended college with the help of the GI bill. After college his first job was a NYS corrections officer. He needed to be proficient in using firearms. He believes that there are a lot of law enforcement officers that would benefit from this range. There are also many target shooting enthusiasts in the area that would enjoy this range. Also, if you look at the work that Scott Dutton has done in the area, he feels confident that the building will not only meet but exceed safety requirements.

Christine Williams – Maybrook NY – 1995 KHS graduate – Served for 16 years in public schools as a teacher and now an administrator. She is also a Sunday school coordinator at a church in Lake Katrine and president of “Women Unafraid” which teaches safety and self-defense to women. Volunteer with the DEC and is a hunter safety instructor. Since childhood, she has been practicing shooting skills and enjoys them more than ever. This range would be a huge benefit to the City. This would allow for training and practice for permit holders. The location near Kingston High School would not pose any danger and could actually be a benefit by showing what legal and safe gun ownership is like. We need more education and less fear about guns.

Brian Patterson – 131 Pine Street – Is in favor of the range. This range will bring more income into the midtown area. This will bring business and more income into not only this business but to others in the area. There seems to be more properties being purchased in midtown and this range will add to the revitalization that is taking place.

Harold Grunenwald – 23 Coffee Place – Was a teacher and an administrator in the schools for 25 years. There is no danger for schools in relation to this project. I don’t know why the school board would think this would be a danger for the high school. He has been assured that the project will comply with all ADA requirements. He has a state licensed conceal carry permit. He hopes this project goes through.

John Grossbohlin – 16 Quarry Street – The City owned a shooting range across the street in the Andy Murphy Center. The range operated for years and only closed because of air quality issues and the cost to add an air filtration system. Dr. Soyer has said that he is addressing the air quality in his proposal. There would be no issues with shots leaving the building or stray bullets. This would be an asset to the community from an economic development standpoint

but also from an education standpoint. He is an NRA licensed instructor and this is a way to promote safe handling and knowledge about firearms.

Matthew Gioia – 63 Wurts Street – Representing End the New Jim Crow Action Network – He prepared a statement on behalf of ENJAN. ENJAN is opposed to the range and the weapon and ammunition shop being proposed. The group is focused on ameliorating and reversing the incarceration of mass numbers of African Americans. The group has identified disrupting the school to prison pipeline as well as supporting the safety of students. The proposed site's proximity to the High School and the YMCA means that there will be a number of students passing the building every day. We do not believe that it is in the best interest of the neighborhood particularly near its most vulnerable residents. It will bring gun owners together from Kingston and many other places and will bring more guns into Kingston which is not what we want. The UC Sheriff is calling for armed gun owners to carry their weapons.

Kristen Wilson – 66 Ravine Street – Mother of a 3 ½ year old and work on public health in Kingston and UC. Asks the Planning Board to deny the application based on significant public opposition. Threats to public health and safety. Many local groups are opposed to this application. Not convinced that the National and State laws sufficiently protect the public. Approving this proposal will endanger community members with gun violence. More than 80% of guns used in mass shootings from 1982-2015 were obtained legally. The American Public Health Association and the National Physicians Alliance see gun violence as a public health epidemic. More than 355 mass shootings in the US this year, a shooting for every day of the year. Firearm ownership is more prevalent in the US than any other country. Suicide by gun is higher in the US than any other country with reported data and homicide by gun rates are higher in the US than any other high income countries. Injury and death at ranges, noise and lead issues will be talked about by other speakers. The choice of the location for this range could not be worse. Do not allow this in the middle of our community.

Kaycee Wimbish – 143 Henry Street – Homeowner and resident of midtown, mother of a KCSD child, employee of the YMCA. Is not in favor of the shooting range, particularly at this location. Two blocks from Prince Street, I run an urban farm where I transformed an area that was previously used for a lot of negative activities like drug sales into a positive space. We need more positive change in midtown with healthy and hopeful options. This densely occupied location near the high school, city hall, YMCA, the DEC, hospitals does not seem like a good place.

Denise Kynoch – 155 Washington Avenue – Is a NYS corrections officer for 10 years. She does not want to be a gun owner but needs a certain number of hours of shooting each year. Presently she is traveling to Manhattan, the Bronx, and Monroe to get her training. There are not many ranges where you can rent weapons. She was very excited to hear that there would be a location close to home. She has to qualify in April which means that she gets her training in the winter months. When she visits these other ranges, she never hears shots as she approaches the building or when she leaves. Inside the building you can hear it faintly, but when you get in the range, you are required to wear eye and ear protection. She is very much in favor of the range. Dr. Soyer stated that he would rent guns which she hopes is true.

Debra Bresnan – 105 Abeel Street – She grew up in a house and community where guns were used for hunting. She is not in favor of a shooting range. She is concerned about health and safety issues related to gun ranges particularly lead and background checks. A background check is not required to rent or handle weapons at any range in the US. If someone visits a range wishing to carry out violence, they would not encounter the hurdle of a background check. Even gun ranges that want to check the background for gun renters are not permitted to. The FBI's criminal Justice information services says that people that use guns at ranges do not take them off premises and therefore background checks do not apply. The NICS is not permitted to do the check. The CDC says that thousands of people are exposed to lead at indoor ranges despite the health outreach efforts. A study followed users of indoor ranges and found that there were increased exposure. There are examples of ranges where soils around the building and air around filters are found to have lead. She urges the Board not to approve this proposal.

John McGovern – 96 Maiden Lane – Runs the pistol Bureau for the Ulster County Sheriff's Department. Someone earlier mentioned children being exposed to people carrying weapons. There are 24,000 pistol permit owners in Ulster County, people in Ulster County are around people with guns all the time but they may not know it. Permit holders in UC have proven to be responsible gun holders. We can improve safety through proficiency. We need a place to practice. The deputies in the sheriff's department are limited in their ability to practice because the range they use is an open outdoor range. There are noise complaints that limit the hours that they are able to practice at the outdoor range. The idea that background checks are not done at the range is not necessarily true because the applicant has already stated that only licensed permit holders would be able to use the range. Permit holders have already been vetted. There are a number of steps that permit holders need to go through before they are able to get a pistol permit. He deals with the permits every day as part of his job. Scott Dutton is the best architect in the County by far. I agree that there are some concerns about air quality and noise but am confident that Scott will address those concerns. Midtown needs this type of development. There are over 20,000 permit holders that would use this range and visit other businesses in the area. This is an economic benefit to the area.

Nick Annas – Red Hook – Been legally carrying handguns since he was 14 or 15. In California there were no age restrictions when he was young. He and his wife are permitted to carry 16 different handguns but unfortunately, she does not know how to load and shoot most of them. A range like this would benefit people like his wife that need education and experience with the guns that they own.

Jay Martin – Accord – A great opportunity to instruct, educate, implement and become proficient. Is a concealed weapon holder. There has been a lot of incorrect information that has been stated. One specific instance was with regard to unlicensed people. We should all know that it is a felony for me or any other permit holder and gun owner to allow anyone to hold his handgun if you so not have a license. As far as the retail portion, Spada's Sport Shop was located right on Broadway, very close to the High School. This business sold weapons, ammunition, and many other sports items. In high school, he was on the varsity rifle team. We shot in the basement or the attics of schools in Bergen County, NJ. This will help appreciation and education and a greater respect for the shooting sports.

Glenn Debrosky – High Falls – Not sure what the school board said. His wife's grandparents lived next door and he went there for years not seeing much traffic. He does not see traffic as an issue. Is a licensed gun owner. He would like a place to shoot. The problem at the High School is that it is a gun free zone. He used to teach fly fishing. There is no protection when you enter the high school, there is no protection for the children. Someone could carry a gun or anything into the building and there is no one there with a gun to protect themselves or the children.

Eli Dueker – 146 Franklin Street – Representing himself and reading a statement from the Rabbi from Temple Emmanuel who could not come because it is the last day of Hanukah. He is from a military family and grew up with a healthy respect for guns. His question is why here. He is worried about the safety of his children who use the YMCA and will be going to the High School. He is also concerned about environmental contamination. He read a prepared statement from Rabbi Romer. Shocked and concerned that the Kingston community is considering a shooting range in the heart of midtown. He has listened to elected official speak about the future of Kingston. This is not the type of development that we want. We have an obligation to the safety of our children in our schools. He is asking that Planning Board to protect our community and not allow this project. Reject any proposal that would further a gun culture.

Jennifer Schwartz Berky – 35 Hone Street – Ulster County Legislator, urban planner and resident. Has heard from many people that are concerned about the location of the shooting range. Supports responsible gun ownership and the right location for a shooting range. Zoning – we need to revisit our zoning with regard to what is permitted and permissive. This needs to be carefully interpreted. Our City law specifically prohibits the discharge of firearms. “No person other than in self-defense or in the discharge of official duties shall discharge any species of firearm within the City limits of the City of Kingston.” You need to look at this and how it relates to the zoning code and whether this use is truly allowed by right. Otherwise the use would need to go to the ZBA for a variance. This is important because it could open the City up to litigation. The application is being amended to be a membership club. We see in section 405-10(b)(6) – membership organizations are subject to special permit and shall not be located nearer than 50ft. to any street or property line. An area variance would be required to allow this but self-created difficulties are not grounds for an area variance. As proposed it is not permitted by special permit. The ZBA should be called in to consider this matter. You have heard other concerns about the rates of suicide and the lack of background checks for rentals. Close to the YMCA and the High School is not the correct location. The City is about to adopt a comprehensive plan. This plan envisions a new core in midtown Kingston that is a mixed use center with ground floor retail and residential above with compete streets. A special permit must be renewed periodically and determination must be made as to whether this use is in harmony with the district. It is important that the City not mislead the applicant if this use will not be compatible. Lastly, environmental justice is an important topic. Midtown Kingston has experienced disinvestment for a number of year. Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income.

Johannes Sayre – Main Street – Has been a gun owner for 15 years but does not have a pistol permit nor does he own a handgun. He is an NRA range certified instructor. Gun control is a polarized discussion but safety is always part of the discussion. Gun owners are stereotyped in the media as rednecks, extremists, mentally ill, or criminals, he is none of those and suspects

that most people in the audience are not either. His guns are not on the street, they are in his control. He takes precautions to keep the guns he owns safe. Safety is always the number one word that you hear when talking to gun owners. He welcomes a public range. Safety should be considered. Security for patrons going to and from the building is important to protect them from being robbed of the guns they are carrying. This could be adequately addressed by including a plan for parking, lighting, and security.

Butch Dener – New Paltz – Spent 10 years on the New Paltz planning board, 8 as chairman. The financial impact is important and should be considered. Doesn't believe that anyone that visits this gun range will be marching out with their guns, threatening people. Kingston will benefit by having trained gun owners in Kingston. Also, the Rabbis at my synagogue are licensed gun owners and the synagogue hires armed security for all of the high holidays to protect the community. Please let me go to a place where I can learn to be a better gun owner. Also, let me come to Kingston and buy my papers and coffee while I am here.

Robin Jacobowitz – Rifton – KCSD Board of Ed. – Read the resolution that was passed by the Kingston City School District Board of Education opposing the shooting range.

Jenn Hynes – 140 Andrew Street – Lives nearby with her 3 young children. She is opposed to the shooting range and the retail space. This is not just a shooting range, there is also an aspect of retail that would sell guns and ammunition in our neighborhood. Some questions for the developer include whether the retail space would be open to members only or would nonmembers be able to buy guns and ammo there? She asked the Planning Board to consider whether this would make midtown Kingston a better and safer place to live. In her opinion it doesn't.

Carol Struve – 29 Park Street – She is a psychiatric nurse and she grew up in Wisconsin to a family of hunters and she learned to skeet shoot. She read an article in the Kingston Times about what it takes to get a gun license and it was very reassuring. She is opposed to the gun range being proposed particularly because of the location. This is an inappropriate location and there are many children on Prince Street and in the neighborhood.

James Shaughnessy – 11 Delta Place – Kingston City School Board of Education – He kept track of the number of speakers. According to his calculation it was 24 speakers with 7 Kingston residents in favor, 8 Kingston residents opposed (he is 9), 7 out of town residents in favor. There is a lot of vacant space in Ulster County and Dr. Soyer is being irresponsible choosing this location. It should be in a more remote area. Not near the High School, hospital, City Hall, YMCA, Midtown Center, or Planned Parenthood.

John Cranston – 70 Arnold Drive – His office is 300ft. from the proposed shooting range. Has no problem with the range at all. What Shaughnessy said was basically, Not In My Backyard. We have a lot of vacant buildings in Kingston. We have someone that wants to invest a lot of money into a building to make it viable. The fact that there are only 5 lanes being proposed means that there will not be a lot of traffic or people at the range at one time. There are many things that happen that people don't like and this may be something that some people don't like but it is a significant investment and we should be thanking Dr. Soyer.

Deborah Mills Thackrey – 50 Spring Street – Small business owner. Expressed strong opposition to the shooting range. The country is experiencing a significant amount of gun violence. The midtown area is not the right location because of the already high amount of criminal activity and the proximity to the school the Y and Planned Parenthood. People will be traveling with guns to and from the building and could experience theft and carjacking. She was a victim of rape in her office at gun point. We need to think about the environment we want to live in and consider what guns are able to do.

Frank Falatyn – 721 West Chestnut Street – He is a business owner. He is not a gun owner or a permit holder but would like the opportunity to use the range in the future if he ever became one. He thinks it is important that there is a safe place for people to go and learn the proper way to use their weapons.

Ken Cooper – 129 Wrentham – A NYS Division of Criminal Justice Certified Firearms Instructor. Certified by the NRA through the Law Enforcement Activities Division and all branches of the civilian division as well. Author of the original Ulster County handgun safety handgun program. There was a firearms training academy in the City of Kingston in the 90's that was his and it was located at this location. It was a very appropriate location. We trained a lot of people back then. To me it is all about education. He teaches criminal justice at UCCC with the Police Chief. He is a college administrator at a private college across the river. He understands not liking guns but there are a lot of them in this county and it is important that the people that own them are educated. He is an expert witness on the use of force. He does not know Dr. Soyer although he has talked to him a couple of times. He would be willing to talk with him or other members of the community about firearms safety.

Pat Courtney-Strong – 446 Broadway – Less than a 3 minute walk from 90 Prince Street. Active in the Midtown Business Association and the Business Alliance for the last 10 years. Consider the investment public and private that is taking place in midtown. The City is undertaking a multimillion dollar rail trail project to make the City more walkable and safe. The School District is undergoing a multimillion dollar renovation. RUPCO just received a million dollars toward an affordable housing project. An arts district has been proposed for midtown with an eye for making the City more walkable. With all this positive development going on in the City of Kingston it is striking and unthinkable to imagine a shooting range, guns for sale and ammunition a short distance from the High School. If you google gun ranges and property values you will see that there are numerous articles about the negative affect that ranges have around the country. She said that this would never fly in a more affluent community but she welcomed neighbors from surrounding towns to try the range in their areas. This neighborhood is in transition and we are working hard to raise property values. We do not need a business whos marketing strategy is to exploit fears of being unarmed in our communities. Zoning laws call for the highest and best use of a property and this is not it. Prince Street and Jansen Avenue have children on the streets all the time and this is a densely populated neighborhood.

Owen Harvey – 26 Abeel Street – A parent who is opposed to a gun range being located in midtown. This was once a place of healing and now it would be a bastion for violence. Midtown is the heart of our City. Is this how we want our heart represented? I am a parent of 3 children not in favor of having a place of violence so close to our school. There would be no

safety measure that would ease a parents mind about this proposal. Is this the kind of legacy that we want our children to inherit?

Bryant “Drew” Andrews – 19 Vangaasbeck Street – A business owner that works with children in midtown. He is not opposed to legal gun owners finding a place to practice proficiency and he is not opposed to Scott Dutton’s work as an architect. He is opposed to the location in midtown. There are many other, better locations that are not in this heavily populated area. He also feels that the community is changing and that part of the revitalization is based on the fact that the area is a safe place for people and their children. He is afraid of the type of people that may come to the area to use the range because of the type of children that are present in the area that may visually pose a threat to people that carry guns. This location near the high school, the YMCA, and his house is not a great place for this type of business. A \$500,000 investment could build a range in another location.

Michael Citron – 60 West Chestnut – This is a hot issue. Dr. Soyer didn’t feel that it was important enough to sit and listen to his neighbors’ concerns. He loves Scott Dutton. He moved here in 1997. The government in this City is running a business and the citizens are shareholders. Property values will rise and fall based on what this board does. He respects gun owners but wants total gun control. Security is never enough.

Joe Liuni – Tillson – President of the Federated Sportsman Club of Ulster County. For 40 years the club did the training for handgun safety. 10% of UC residents have carry permits. These are doctors, lawyers, nurses, teachers, and professional people. Safety is the concern. They have reviewed the plans for this range and have no issues with it. The Planning Board should be concerned with planning and zoning. The Kingston School Board should be concerned with offering a quality education to the kids at an affordable cost to the taxpayers. If this was being proposed anywhere else in the County, the School Board and the groups that are against the proposal tonight would be against it anywhere else too. This issue should be about a prominent doctor bringing a business to Kingston. The traffic that comes as a result will bring additional business, tax dollars, and increase property taxes. Lead and environmental issues will be discussed and dealt with during the review. This is not the place to discuss gun control.

Jordan Scruggs – 48 Main Street – Midtown Rising – Associate Pastor and Director of Outreach for Saint James United Methodist Church. Spends a lot of time in midtown. She volunteers at Caring Hands Soup Kitchen. She is very concerned about placing a gun range in the City of Kingston. Midtown is not the place. She is from the South and her father has many guns, she is not opposed to guns but is opposed to this proposal. Her major concern is vigilante justice. This will bring outsiders in. Many people have a racial bias and the last thing we need is a Trayvon Martin. With heightened racial tension, please consider what we may be opening ourselves up to.

Darrett Roberts – 148 Franklin (Poughkeepsie) – Citizen Action – He is from Poughkeepsie but spends a lot of time in Kingston. Not against proper practice and training for guns but does not agree with this location. Outside City limits would be better for a range and it would be much safer. Having this near a school is not a good idea. A student may try to break into the range to steal a gun that was left in the range. Please take the range outside of the City limits.

Ed Aleo Jr. – Tillson – Others said it best, it is about the Planning Board and whether it is a legal use. It is a business going into a community bringing business and taxes to the community. Gun issues are about education. I took training classes at this location with Ken Cooper ran it. We need to stick to the facts. The business needs to serve the visitors and clients.

Bob Sills – 66 Fairmont Street – Many issues have been brought up about gun safety and violence. Most of the violence is done for 3 reasons abuse, irresponsibility, and ignorance. Anything that would increase the education and responsibility of the use of firearms, he is totally in favor of. As for the young woman that brought racial profiling into the conversation. Most young black African American men are killed by other young black African American men in their own neighborhoods. These are gangs and irresponsible use of firearms. Neighborhoods with responsible gun owners are much safer than neighborhoods without gun owners.

Eric Stock – 77 Harding Avenue – 5th generation Kingston resident. The Planning board should be concerned with zoning. This is an issue that we can actually address rather than many other gun issues. Proper training and safety is something that will help to keep mitigate firearms accidents. Shooting sports were once taught in the schools and can still be seen in the Olympics. Many youth have not had the opportunity to learn proper training. Hopefully the Planning Board will look at this as a planning and zoning matter.

Atillio Contini – Bloomington – The project should be approved and projects like this should happen in all other communities. This would actually help stop violence in the community.

Steve Britton – Port Ewen – Worked in the City of Kingston for 27 years and been a resident of UC for about 40 year. Served on the Port Even Zoning Board. Stick to the zoning and planning issues.

Allison Constant – Kingston – Owner of ArtBar gallery on Broadway – Is not in favor of the shooting range. She keeps a bat in her place of business in case someone comes in to cause trouble.

Decision: The Board voted unanimously to table the application. (WP, JD, RJ, MW, CP – yes)

Item #4: **#176 & 178 Broadway** LOT LINE REVISION of the Lands of Diane Agustsson. SBL 56.35-3-19 & 20. SEQR Determination. Zone R-6. Ward 8. Diane Agustsson; applicant/owner.

Discussion: Staff explained that the owner is applying for a number of area variances to accommodate the lot line revision request. Staff requested that the Board table the application until the decisions on the variances have been received.

Decision: The Board voted unanimously to table the application. (WP, JD, RJ, CP, MW – yes)

Item#5: **#69 Spring Street** SPECIAL PERMIT renewal for a 2-room bed and breakfast. SBL 56.42-7-14. SEQR Determination. Zone RT, Rondout West Historic District. Ward 8. Maribel Rodriguez; applicant/owner.

Discussion: No one spoke at the public hearing. Maribel Rodriguez was present at the meeting. The special permit is for operation of a 2 room bed and breakfast called "Bell's Inn". The original permit was issued in February 2004 with annual renewals.

The Board questioned whether there were any changes to the special permit since the previous approval. M. Rodriguez said that there were no changes.

A parking variance, granted in March 2004, is carried forward with the use of the property pending no changes.

Staff advised that there have been no complaints listed with Building Safety and no issues with the Police Department.

The term for the special permit was discussed. The Board agreed to a 1 year term as it is the limit under the zoning code for bed & breakfasts.

A determination of environmental significance was discussed. Because the application involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore was predetermined to have no environmental impact and no SEQR review of the Board required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 1 year to expire on December 14, 2016 with all original conditions carried forward. (WP, JD, MW, CP, RJ – yes)

Item #6: **#336-338 East Chester Street** SPECIAL PERMIT renewal to operate a gasoline station. SBL 48.83-2-1.100. SEQR Determination. Zone C-2. Ward 7. Emporium Realty Holding Corp; Andrea Hameed; applicant/owner.

Discussion: No one spoke at the public hearing. Andrea Hameed was present at the meeting. The proposal is for the renewal of a special permit to operate a gasoline station. The property also contains a garage for automotive repairs and houses a small diner. The last permit renewal was issued in November 2013 for a period of 2 years.

The Board asked if there were any changes to the permit. A. Hameed explained that the only change since the last renewal was the operation of the diner. There is a new tenant but the operations will remain the same.

There were no recent complaints or violations listed with the Building Safety Division and there are no issues with the Police Department. .

A term for the special permit was discussed. The most recent permit was granted in November 2013 for a period of 2 years. The Board agreed to renew the permit for another 2 year term.

A determination of environmental significance was considered. Because the project involves no changes, it was categorized as a Type II Action under 6NYCRR Part 617.5 (c) (20), and therefore was predetermined by New York State to have no environmental impact and no SEQR review of the Board was required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to renew the special permit for a period of 2 years to expire on December 14, 2017 with all original conditions carried forward. (WP, JD, MW, CP, RJ – yes)

OLD BUSINESS:

Item #7: #20 Cedar Street SITE PLAN/SPECIAL PERMIT to demolish the existing commercial building and construct mixed use, multi-story building. SBL 56.109-4-2.100. SEQR Determination. Zone O-2, Mixed Use Overlay District. Ward 4. RUPCO/applicant; Ferraro Mid City Lanes/applicant.

Discussion: Kevin O'Connor and Charles Snyder, RUPCO, and Scott Dutton, architect, were present at the meeting.

S. Dutton presented revised elevation renderings to show additional details and materials being proposed on the building façade. He also stated that the lighting had been finalized. The Board reviewed the updated drawings. S. Cahill requested detail sheets for the site lighting to be submitted to staff.

Staff explained that there were Required Recommendations from the Ulster County Planning Board that will need to be considered and addressed. Michael Moriello, the attorney for the project, submitted a 4 page response to the UCPB comments, dated December 3, 2015.

- TRAFFIC – *“The level of service data found in the study (Greenkill Ave Bridge) should be utilized in conjunction with the proposal to determine whether or not the project will have any impacts of significance on Broadway/Cedar Street”*
 - o Dennis Larios addressed the question of traffic in the Long EAF submitted with the project application. *“The peak AM and PM traffic volumes for the project were determined using ITE trip generation tables to be 53 peak hour trips (am) and 58 peak hour trips (pm). These values were further found to be comparable to the pre-existing traffic generation for the Bowling Alley at the site. There is no material increase in the peak hour traffic generation for this project. Additionally, distribution of peak hour traffic for this site would be dispersed over several intersections, as follows: Iwo Jima Lane and Greenkill Avenue with traffic dispersing to Greenkill Avenue/Clinton Avenue or Greenkill Avenue/Railroad Avenue and Fashion Lane. Iwo Jima Lane and Cedar Street with traffic dispersing to Broadway/Cedar Street or Clinton Avenue/Cedar Street. Peak hour traffic to any of these four intersection would likely have no more than 40% of the peak hour trips associated with the project, or 21 trips (AM) and 23 trips (PM)”*

The Board agreed to OVERRIDE the UCPB with regard to traffic based on information already submitted.

- CROSS ACCESS – The UCPB supports the provision of cross access to the Dunkin Donuts site, but an easement, if not already in extant, will need to be provided and indicated on the final approved site plan.
 - o Michael Moriello replied in writing that *“The applicant will provide for cross access with Dunkin Donuts in the event that the fee owner of this adjacent premises will*

allow for the same. However, the plans currently do not show such “required” cross access, as called for by the Ulster County Planning Board, since the issue is not within the control of RUPCO.

It is well settled law that the Ulster County Planning Board may not lawfully require RUPCO to obtain an easement over adjacent lands which are not under the aegis of its ownership or control.” The written response included a number of case law examples.

The Board agreed to OVERRIDE the UCPB with regard to cross access based on the response submitted.

- REZONING – Any approvals at the special permit and/or site plan level will be contingent on the zoning petition becoming law.
 - o The rezoning was approved by the City of Kingston Common Council on November 12, 2015.

The Board concurred with the UCPB’s comment regarding the zoning change noting that the Common Council already approved the zoning change.

Fee in lieu of parkland – The Board discussed the recreation fee for the project. Staff informed the Board that a letter was sent to the Recreation Commission, dated September 2, 2015, requesting a recommendation on the recreation fee. The Recreation Commission returned a letter to the Planning Board dated September 2015 recommending that the full \$106,000 be assessed based on 57 units with the first 4 units exempt. This money would be placed in the Recreation Trust Fund for use on capital projects within the City Parks or Recreation Buildings and is administered by the Recreation Commission. The Board agreed to the full amount of \$106,000.00

SEQR – By resolution, dated May 11, 2015, the Planning Board stated intent to seek Lead Agency for the SEQR review. Circulation to all Involved and Interested was accomplished on May 13th, 2015 with no objections during the 30 day response period. The Planning Board declared themselves Lead Agency by resolution dated July 13, 2015. Notice was sent to the Involved and Interested Agencies on July 14, 2015. The Board then adopted a resolution at the October 13, 2015 meeting to render a Determination of Negative Environmental Significance. This determination was submitted to the Environmental News Bulletin for publication and circulated to all Involved and Interest Agencies.

Landscaping – S. Cahill asked whether street trees will be incorporated. S. Dutton stated that they did not think that they had enough room between the sidewalk and the curb to allow for a planting strip for street trees. He stated that they will look at the plan again to see if there is a way that they could add a few. S. Cahill asked that they continue the discussion with planning staff.

Decision: The Board voted unanimously to approve the site plan/special permit to construct and operate a multi-story mixed use development with ground floor commercial space and 57 residential apartment units for a term to be renewed after 2 years, expiring on December 14, 2017, with the following conditions:

- Lighting specs submitted to staff for review and approval

- Discussion with planning staff on a final determination on the installation of street trees
- A Fee in Lieu of Parkland totaling \$106,000 to be submitted to the Kingston Parks and Recreation Department prior to obtaining a building permit
- A cost estimate for site work submitted and approved by the Engineering Department
- Submission of a performance bond with a 10% contingency prior to obtaining a building permit
- Compliance with section 405-27.1 (Mixed Use Overlay District) of the zoning code.
- Planning Board Policies - #1 & 1a – calculation of land disturbance and SPEDES permit if necessary; #2 – Addition of new street trees; #3 – As-built plans, #3a – cost estimate with 10% contingency approved by the City Engineer for required performance bond, #3b – performance bond submitted prior to issuance of a building permit (a detailed cost estimate defining project elements, quantities and a 10% contingency); #4 & 4a – lighting levels between 1-5 footcandles and corrections if necessary; #6 – signature of owner on the final plans; #7 & 7a – active approvals and applied contingencies; #8 & 8a – clerk of the works and project directory; #11 – window signage limited to 20% of window area; #12 – emptying of dumpster between normal business hours; #13 – updated contact information; #14 – dig safely stamp on the plans; #15 – zoning analysis; #17 – school district impacts; #17a – landlord registration; #18 & 18a – payment in lieu of parkland and signature of acknowledgement; #19 – compliance with noise ordinance; #22 – carbon monoxide detectors.

The Board also voted unanimously on the Ulster County Planning Board required modifications as follows:

- Traffic – Override
- Cross Access – Override
- Rezoning – Concur

(WP, MJ, JD, CP, RJ – yes)

Item #8: **#105 Mary's Avenue** SITE PLAN to construct a 2 story addition, totaling 48,000sf, relocate the helipad, improve and increase the parking lot, and add 3 generators to the hospital campus. SBL 56.41-3-1.110. SEQR Determination. Zone O-2 & RRR. Ward 9. Health Alliance of the Hudson Valley; applicant/owner.

Discussion: At the September 14, 2015 Planning Board meeting, the Board adopted a resolution to seek Lead Agency in the SEQR review. Staff circulated the notice of intent on September 18, 2015 to all Involved and Interested Agencies identified by the Planning Office and the applicant. S. Cahill explained that since that time, the Planning Office has received 3 responses consenting to the Planning Board being Lead Agency from the NYS Dept. of Health, KPD, and Kingston DPW and that the 30 day timeline for response has expired. Staff advised the Board that a resolution was for consideration to declare the Planning Board as Lead Agency.

The Board reviewed the resolution and agreed that there were no questions or concerns. Chairman Platte waived the reading of the resolution.

Decision: The Board voted unanimously to adopt the “Resolution of the City of Kingston Planning Board Declaring the Planning Board as Lead Agency in the SEQR Review of #105 Mary's Avenue Site Plan (SBL 56.43-3-1.110) in accordance with 6NYCRR Part 617” (WP, JD, MW, CP, RJ – yes)

Additional Item:

Item #9: Board Policy #24: Installation of Knox Box

Discussion: S. Cahill asked the Board to consider adding a Board Policy that would require the installation of a Knox Box. She proposed the following language “There shall be a Knox Box installed in compliance with the Building Safety Division and Kingston Fire Department regulations to provide for emergency access to all new construction, commercial and multiple family buildings”

R. Jacobsen questioned whether the Board could require an applicant to include a Knox Box on a residential building. There is a possibility that an applicant would refuse the installation.

Decision: The Board did not act on the proposed policy.

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